

17 MAG . 6840

Approved:

Jessica Greenwood  
JESSICA GREENWOOD  
Assistant United States Attorney

Before:

THE HONORABLE JAMES C. FRANCIS IV  
United States Magistrate Judge  
Southern District of New York

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UNITED STATES OF AMERICA	: <u>COMPLAINT</u>
	:
- v. -	: Violation of 18 U.S.C. § 2252A and
	: 2
CRAIG ROFFMAN,	:
	: COUNTY OF OFFENSE:
Defendant.	: NEW YORK
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SOUTHERN DISTRICT OF NEW YORK, ss.:

MATT DERAGON, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), and charges as follows:

**COUNT ONE**

(Possession of Child Pornography)

1. From at least in or about March 2016 up to and including in or about September 2017, in the Southern District of New York and elsewhere, CRAIG ROFFMAN, the defendant, knowingly did possess and access with intent to view, and attempt to possess and access with intent to view, a book, magazine, periodical, film, videotape, computer disk, and other material that contained an image of child pornography that had been mailed, shipped and transported using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, and that was produced using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, to wit, ROFFMAN possessed images and videos of child pornography at his residence in Manhattan, New York.

(Title 18, United States Code, Sections 2252A(a)(5)(B), (b)(2) and 2.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

2. I am a Special Agent with the FBI and have been so employed for approximately three years. I am assigned to an FBI squad charged with enforcing federal laws prohibiting child pornography and other forms of child exploitation. As such, I have worked on numerous investigations and prosecutions involving minor victims and the adults who victimize these children. This affidavit is based upon my personal participation in the investigation of this

matter, as well as on my conversations with other law enforcement officers and my examination of documents, reports, and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts I have learned during the investigation. Where the contents of documents or the actions, statements, or conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. Based on my review of the criminal history report of CRAIG ROFFMAN, the defendant, I have learned the following facts, among others. On or about May 12, 2006, ROFFMAN was convicted in Kings County Supreme Court, New York, of promoting a sexual performance by a child less than 17 years of age, in violation of New York Penal Law Section 263.15. On or about July 7, 2006, ROFFMAN was sentenced principally to a 4-month intermittent prison sentence and 10 years' probation. ROFFMAN's term of probation on this conviction was set to expire on or about July 6, 2016.

4. Based on my review of documents and my conversations with law enforcement officers and other individuals, I have learned, among other things, the following:

a. On September 13, 2017, the Honorable James C. Francis IV, United States Magistrate Judge for the Southern District of New York, signed a search warrant (the "Search Warrant") authorizing law enforcement agents to search the residence of CRAIG ROFFMAN, the defendant (the "Subject Premises"), and to search and seize computers, other electronic devices, and evidence related to ROFFMAN's suspected possession of child pornography.

b. I signed the factual affidavit in support of the Search Warrant. The facts cited in support of the Search Warrant included, among others, following.

i. Based on IP address records obtained from Kik and RCN, I have learned that an IP address associated with the Subject Premises (the "Subject Premises IP Address") has been used to access Kik by the user of several Kik usernames. Kik is an electronic messaging application. For example, one of these Kik usernames ("Kik Username-1") used the Subject Premises IP Address to access Kik approximately 173 times between on or about April 30, 2017 and on or about May 17, 2017.

ii. Based on my conversations with a Canadian law enforcement agent, and my review of reports prepared by a Canadian detective, I have further learned that Kik Username-1 was used to send approximately 19 files between on or about March 24, 2016 and on or about April 6, 2016 to another Kik username, and that these files contained child pornography images or videos. Specifically, based on my review of these files, I have learned that they include visual depictions of sexually explicit conduct involving children, including but not limited to: (1) an image depicting two males, both nude. One male, who based on my training and experience I believe to be approximately under the age of 14 years old, is being anally penetrated by the second male, whose age I could not determine from the image; and (2) an image depicting two males, both nude. One male, who based on my training and experience I believe to be approximately under the age of 14 years old, is being anally penetrated by a second male, who based on my training and experience I believe to be an adult male.

c. At approximately 6:00 a.m. on September 14, 2017, FBI agents executed the Search Warrant. I participated in the execution of the Search Warrant.

d. CRAIG ROFFMAN, the defendant, was present during the execution of the Search Warrant. Another FBI agent ("FBI Agent-1") and I spoke to ROFFMAN while the search was being executed. ROFFMAN identified one cellphone ("Cellphone-1") as belonging to him and provided us with the password to access Cellphone-1.

e. FBI Agent-1 accessed Cellphone-1 using the password provided by ROFFMAN. FBI Agent-1 opened the Kik application on Cellphone-1 and observed that it was logged into Kik Username-1.

f. During the course of executing the Search Warrant, another FBI ("FBI Agent-2") found approximately two thumb drives on a bed in a bedroom that ROFFMAN shares with his brother. These thumb drives contain approximately 3,000 files of child pornography, which, based on my conversations with FBI Agent-2, I have learned include but are not limited to the following:


i. "[BB] 15yo black f a 9yo white boy, c in his arse then daddy fingers and plays with the c" – An approximately 17 minute and 48 second video depicting a prepubescent boy, approximately under 10 years old. An adult male rubs the child's anus with what appears to be lube, then inserts his finger in the child's anus. This male, along with another male (possibly a teenager), both engage the child in anal sex. Both males also masturbate the child's penis and at least one of the males ejaculates on the child's chest and stomach.

ii. "1376202502908" – An image depicting a prepubescent child, approximately under the age of 10 years old, who is lying on their back next to a dog crate. The child's hand and feet are bound with what appears to be tape, and there is a ball gag inserted in the child's mouth. The child is covering their genitalia, making it unclear if the child is a boy or girl. There is a foreign object, which appears to be an anal plug, inserted into the child's anus.

iii. "! !New2010[MB]Private-another point of view 8yo" – An approximately 7 minute and 23 second video depicting a prepubescent boy, approximately under

10 years old with an adult male. The adult male engages the child in oral sex then engages the child in anal sex. The adult male appears to ejaculate in the child's anus.

WHEREFORE, the deponent respectfully requests that CRAIG ROFFMAN, the defendant, be imprisoned, or bailed, as the case may be.

  
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MATT DERAGON  
Special Agent  
Federal Bureau of Investigation

Sworn to before me this  
14th day of September, 2017

**S/James C. Francis IV**

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THE HONORABLE JAMES C. FRANCIS IV  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK